

Post Office Box 1571
Monroeville, AL 36461

July 20, 2000

Norman Zoller, Circuit Executive
United States Court of Appeals
Eleventh Circuit
56 Forsyth Street, N.W.
Atlanta, Georgia 30303

Re: Petitions for Review of Orders of Chief Judge Anderson Dismissing Judicial Misconduct Complaints #00-0002, #00-0003, #00-0004, and #00-0005

Dear Mr. Zoller:

This letter is in response to the four Orders of the Judicial Council of the Eleventh Circuit affirming Chief Judge Anderson's four Orders dismissing the above-numbered judicial misconduct complaints. Those Orders are #00-0004 dated June 19, 2000, #00-0002 dated June 27, 2000, and #00-0003 and #00-0005 each dated June 30, 2000. While I am painfully aware that the law, incredibly, does not provide for any further review of these decisions, I bring this matter to your attention again because your secretary advised me in a telephone conversation on June 21, 2000, to notify your office if any of the judges who considered my petitions for review should not have been provided a ballot. Indeed, four federal judges took part in the consideration of the petitions for review, notwithstanding they each had a disqualifying conflict of interest. I can only assume that they all were provided ballots.

Two of these four judges were themselves the subjects of my judicial misconduct complaints. These two federal judges were Circuit Judge Gerald Bard Tjoflat and Chief District Judge Roger Vinson, who were subjects of judicial misconduct complaints #00-0002 and #00-0005 respectively. Moreover, Judge Tjoflat signed the Judicial Council's Orders affirming the dismissal of judicial misconduct complaints #00-0003, #00-0004, and #00-0005 respectively against District Judge Lacey A. Collier, District Judge Wilbur D. Owens, Jr., and Chief District Judge Roger Vinson.

As to the other two federal judges—Circuit Judges Stanley F. Birch, Jr. and Ed Carnes—both served on the three-judge panel which heard my civil rights case when it was on appeal from the district court. They subsequently affirmed the lower court's judgment against me without opinion. Thereafter, these two judges denied my petition for rehearing in their opinionless affirmance. (See documents enclosed herein.)

It seems glaringly obvious that these judges should not have participated in the consideration of my petitions for review of the judicial misconduct complaints. The fact that they did so either suggests that it is a rubber stamped process where no attention is paid to the subject matter of the petitions, including the identity of the complained-against judges, or that these judges, as well as the judges' complicity in their misconduct, have no respect for the appearance of impropriety, let alone the

actuality of impropriety of their participation. The four petitions for review each demonstrated that the dismissals of my judicial misconduct complaints were non-conforming and violative of the requirements for 372(c). The disposition of these petitions for review only underscores how completely the Eleventh Circuit has subverted 372(c).

Please provide me clarification as to whether the aforementioned judges were provided ballots and whether it was proper. Certainly, if they were erroneously provided ballots, this would not have excused the judges from casting them. At very least, Circuit Judge Tjoflat and Chief District Judge Vinson should have recognized, upon reading the complaints, that they should not have cast ballots. As to Circuit Judges Birch and Carnes, they also might have recognized the inappropriateness of their participation in light of their prior involvement in the appeal of my district court case.

I note that Circuit Judge J.L. Edmonson participated in the consideration of #00-005 and not #00-0002, #00-0003, and #00-0004, while Chief District Judge Edward B. Davis participated in the consideration of #00-0004 and not #00-0002, #00-0003, #00-0005. Please provide me clarification also regarding the action taken by these judges.

I await your expeditious response.

Sincerely,

A handwritten signature in cursive script that reads "Alberta Davison".

Alberta Davison

Enclosures

DO NOT PUBLISH

IN THE UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT

FILED
U.S. COURT OF APPEALS
ELEVENTH CIRCUIT

No. 95-2562

SEP | 3 1996

D.C. Docket No. 89-30351/LAC

MIGUEL J. CORTEZ
CLERK

ALBERTA DAVISON,

Plaintiff-Appellant,

versus

THE BOARD OF TRUSTEES OF PENSACOLA
JUNIOR COLLEGE, FLORIDA,

Defendant-Appellee.

Appeal from the United States District Court for the
Northern District of Florida

(September 13, 1996)

Before BIRCH and CARNES, Circuit Judges, and MICHAEL*, Senior
District Judge.

PER CURIAM: AFFIRMED. See 11th Cir. R. 36-1.¹

*Honorable James H. Michael, Senior U.S. District Judge for the
Western District of Virginia, sitting by designation.

¹11th Cir. R. 36-1 provides:

When the court determines that any of the following circumstances exist:

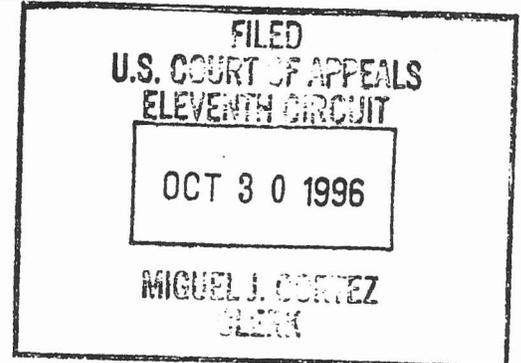
- (a) the judgment of the district court is based on findings of fact that are not clearly erroneous;
- (b) the evidence in support of a jury verdict is sufficient;
- (c) the order of an administrative agency is supported by substantial evidence on the record as a whole;
- (d) a summary judgment, directed verdict, or judgment on the pleadings is supported by the record;
- (e) the judgment has been entered without a reversible error of law;

and an opinion would have no precedential value, the judgment or order may be affirmed or enforced without opinion.

IN THE UNITED STATES COURT OF APPEALS

FOR THE ELEVENTH CIRCUIT

No. 95-2562



ALBERTA DAVIDSON,

Plaintiff-Appellant,

versus

THE BOARD OF TRUSTEES OF PENSACOLA
JUNIOR COLLEGE, FLORIDA,

Defendant-Appellee.

On Appeal from the United States District Court for the
Northern District of Florida

BEFORE: BIRCH and Carnes, Circuit Judges, and MICHAEL*, Senior
District Judge.

PER CURIAM:

The petition(s) for rehearing filed by Appellant, ALBERTA
DAVIDSON, is DENIED.

ENTERED FOR THE COURT:



UNITED STATES CIRCUIT JUDGE

ORD-41

*Honorable James H. Michael, Senior U.S. District Judge for the
Western District of Virginia, sitting by designation.